THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 15073 of 2006

Dated: 15-12-2006

Between:

Mohd. Najeer

..... PETITIONER

AND

The Commissioner, Prohibition and Excise,
Government of A.P., Hyderabad and 3 others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 15073 of 2006

O R D E R:

This writ petition is filed aggrieved by the action of the respondents 1 to 3 in granting A-4 licence under the provisions of the A.P.(Lease of Right of Selling by Shop and Conditions of Lcence) Rules, 2005 (for short 'the Rules') in favour of the 4th respondent for establishment of a retail wine shop in the premises at Dr.No.5-34, MainRoad, Kancherla Lane, Dhawaleshwaram, East Godavari District.

It is pleaded that the petitioner is a resident of the locality, who is running iron business at Dr.5-34 Kancherla Lane, Dhawaleshwaram. It is alleged that the licenced premises of the 4th respondent is located within 50 meters from the Government Mandal Parishad Primary School and therefore, the prohibition under Rule 27of the Rules is attracted.

In response to the notice ordered on 21-07-2006, a counter affidavit has been filed on behalf of the respondents 1 to 3 denying the allegation made by the petitioner. It is stated that though there is a Mandal Primary School situated in a lane leading from main road, it is far away and beyond 100 meters from the premises bearing Dr.No.5-34, Kancherla Lane, Dhawaleshwaram wherein the 4th respondent has located his retail wine shop. It is also stated that the licence in favour of the petitioner was granted strictly in accordance with the Rules particularly Rule 27 sub-rule (2) of the Rules. It is also explained that the only one gate of the institution, which is being in use is 100 meters away from the licenced premises.

A separate counter affidavit is filed on behalf of the 4th

respondent in the same lines.

No affidavit in reply has been filed by the petitioner contradicting the version of the respondents and no other material has been placed before this Court to substantiate the allegation of the petitioner.

In the circumstances, I do not find any merit in the writ petition and the same is accordingly dismissed. No costs.

G. ROHINI, J

Dated: 15-12-2006
KLP